

IN THE UNITED STATES DISTRICT COURT FOR  
THE WESTERN DISTRICT OF OKLAHOMA

**FILED**

MAY 31 2012

DARIN C. COUCH,

Plaintiff,

vs.

MICHAEL J. ASTRUE, Commissioner  
Social Security Administration,

Defendant.

ROBERT D. DENNIS, CLERK  
U.S. DIST. COURT, WESTERN DIST. OF OKLA.  
BY Tuh DEPUTY

No. CIV-11-1045-W

**ORDER**

On May 10, 2012, United States Magistrate Judge Bana Roberts issued a Report and Recommendation in this matter and recommended that the decision of Michael J. Astrue, Commissioner of the Social Security Administration ("Commissioner"), denying the Application for Disability Insurance Benefits and the Application for Supplemental Security Income filed by plaintiff Darin C. Couch be reversed. Magistrate Judge Roberts further recommended that this matter be remanded to the Commissioner for additional administrative proceedings. The parties were advised of their right to object to Magistrate Judge Roberts' Report and Recommendation, but neither party has objected within the allotted time.

Upon review of the record, the Court concurs with Magistrate Judge Roberts' finding that remand of this matter is warranted because the Administrative Law Judge ("ALJ") failed to properly consider the mental limitations assessed by the consultative examining psychologist, Dan M. Smith, Ph.D. The Court further concurs that this claim of error is dispositive and that the Court therefore need not examine Couch's remaining propositions of error. E.g., Watkins v. Barnhart, 350 F.3d 1297, 1299 (10<sup>th</sup> Cir. 2003).

Accordingly, the Court

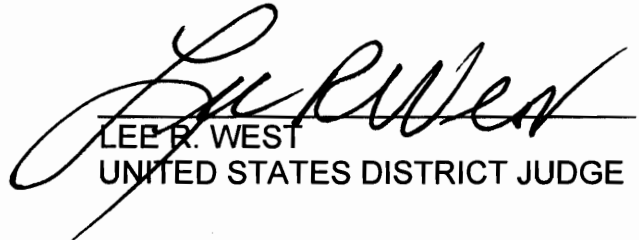
(1) ADOPTS the Report and Recommendation [Doc. 18] issued on May 10, 2012;

(2) REVERSES the Commissioner's decision denying Couch's Applications for Disability Insurance Benefits and Supplemental Security Income;

(3) REMANDS this matter to the Commissioner pursuant to sentence four of Section 205(g) of the Social Security Act, 42 U.S.C. § 405(g), for further administrative proceedings in accordance with this Order and consistent with Magistrate Judge Roberts' Report and Recommendation; and

(4) ORDERS that judgment pursuant to this Order shall issue forthwith.

ENTERED this 31st day of May, 2012.

  
LEE R. WEST  
UNITED STATES DISTRICT JUDGE